

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

**Appeal No. 141 of 2015
(Earlier O. A. No. 88 of 2015)
And
Appeal No. 142 of 2015
(Earlier O. A. No. 89 of 2015)**

IN THE MATTER OF :

**Jagannath Mane Vs. Union of India & Ors.
And
Jagannath Mane Vs. Union of India & Ors.**

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

Present: **Applicant:** Mr. Sachin Paul, Adv.
Respondent No. 1: Mr. Vishwendra Verma, Adv.
Respondent No. 2,5&6: Mr. V.K. Shukla, Adv.
Respondent No. 3: Mr. Rajul Shrivastava and Ms. Sucheta Yadava,
Adv.
Respondent No. 7: Dr. Harsh Pathak and Mr. Siddhartha Shukla,
Adv.
Mr. Rajul Shrivastava, Adv.

	Date and Remarks	Orders of the Tribunal
	Item No. 17 & 18 March 15, 2016	<p><u>Appeal No. 141 of 2015</u></p> <p>The Learned Counsel appearing for the State as well as the Project Proponent submit that the stone crusher in question has been closed and no activity of crushing of stone or any other stone crushing activity is being carried on at the site in question. He further states that without leave of the Tribunal the said stone crushers will not be permitted to operate. However, the Learned Counsel appearing for the Appellant submits that illegal mining is still going on and stoppage of the crushing Unit would not put to end to this case.</p> <p>Having heard the Learned Counsel appearing for the parties, we are of the consider view that this Appeal has been rendered in-fructuous in view of the statement made on behalf of the State Government as well as the Project Proponent that they shall abide by their statements.</p> <p>Thus, the Appeal No. 141 of 2015 is stands disposed of without any order as to cost.</p>

Appeal No. 142 of 2015

We have heard the Learned Counsel appearing for the parties. The two objections raised to the grant of EC inter-alia but primarily is that no public hearing was conducted in terms of Clause 7 of EIA Notification, 2006. Secondly, that physical verification was not conducted.

As far as the first contention is concerned it is misconceived in as much as the project falling under category B-2 is exempted under Clause 7(iii)(e). Therefore the question of holding of public hearing does not arise. From the records it is evident that due assessment was made no objection from the concerned department was obtained, such permission was granted in accordance with law which will carry the presumption in their favour unless contrary is proved.

For the reason afore noticed, we find no merits in this Appeal and the same stands dismissed with no order as to costs.

The Appeal No. 142 of 2015 stands disposed of.

.....,CP
(Swatanter Kumar)

.....,JM
(M.S. Nambiar)

.....,JM
(Raghuvendra S. Rathore)

.....,EM
(Prof. A.R. Yousuf)

.....,EM
(B.S. Sajwan)